

**CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT)**  
**Thursday, September 30, 2004**  
**Miami City Hall**  
**3500 Pan American Drive**  
**Miami, FL**  
**10 a.m.**

**Summary of Minutes**

**MEMBERS PRESENT:**

Marc Buoniconti, Chairman  
Hon. Mike Abrams  
Harold Braynon, Jr.  
Henry Lee Givens  
Thamara Labrousse  
Theodore Wilde

Hon. Luis Morse, Vice-Chairman  
Yolanda Aguilar  
LtCol Antonio Colmenares  
Franklin Kelly  
Hon. James Reeder

**COUNTY ATTORNEY:**

Robert Cuevas  
Bruce Libhaber

**OTHERS PRESENT:**

Dr. Carlos Bonzon, Surface Transportation Manager  
Nan A. Markowitz, Executive Director  
Barbara Bravo, OCITT  
Jack Furney, OCITT  
Maria Arista-Volsky, CAO  
Pepe Valdes, OCITT  
Patrice Rosemond, OCITT  
Sandra Melean, PWD  
Tony Arroya, MDT  
Rene J. Perayes, Wackenhut  
Bonnie Todd, MDT  
Drew Levine, Wackenhut  
Lyn Harris, MDT  
John Prats, OCITT  
Roger Fable, Citizen

Judy Seidner, CMO  
Patty David, OCITT  
Lilia Medina, City of Miami  
John Labriola, OCITT  
Virginia Diaz, OCITT  
David Tinder, PWD  
Mayra Bustamante, MDT  
Roosevelt Bradley, MDT  
Karen MacNeill, MDT  
Jose Guerra, MDT  
Joe Bober, TWC  
Michael De Cossio, MDT  
Lourdes Gomez, MDT  
Larry Lebowitz, Herald

**ROLL CALL**

With a quorum being present, Mr. Marc Buoniconti, Chairman, called the meeting to order at 10:15 a.m.

**APPROVAL OF AGENDA**

Mr. Buoniconti requested a motion to approve the agenda. Mr. James Reeder moved to approve the agenda. The motion was seconded by Mr. Henry Lee Givens and carried without dissent.

## **APPROVAL OF MINUTES**

Mr. Buoniconti requested a motion to approve the July 28, 2004, minutes. Mr. Luis Morse moved to approve the minutes. The motion was seconded by LtCol Antonio Colmenares carried without dissent.

## **CITIZEN'S COMMENTS**

None

## **REPORTS**

### *Chairman's Report*

Mr. Buoniconti spoke on the following:

- Introduced Nan A. Markowitz as the new Executive Director of the OCITT
- Joint meeting with Chairperson Barbara Carey-Shuler, Ed.D, and Commissioner Dennis Moss has been scheduled for October 12, 2004.
- Announced that Mr. Michael Abrams, representing Commission District 4 has submitted his letter of resignation effective September 30, 2004.

Members thanked Mr. Abrams for his leadership and commitment to the CITT and wished him well in his future endeavors. Mr. Abrams stated that it was an honor serving as a member of the CITT and is confident that the PTP will be implemented with the oversight of such committed CITT Members.

### *Budget & Finance Committee – Theodore Wilde*

Mr. Theodore Wilde provided the Members with an oral report regarding the items considered at the Budget & Finance Committee on September 14, 2004. (A copy of the report was distributed). In addition, Mr. Wilde announced that a Miami-Dade Transit Workshop has been scheduled for October 13, 2004, at 9 a.m. prior to the Budget and Finance Committee meeting at 10 a.m.

### *Project Review Committee – LtCol Antonio Colmenares*

LtCol Colmenares reported that the PRC met September 22, 2004, and it reviewed and forwarded several contracts with a favorable recommendation. LtCol Colmenares announced that a site visit to the Cities of Miami Beach and North Miami Beach are scheduled for Friday, October 1, 2004, and encouraged Members to participate.

### *External Affairs Committee – Hon. Luis C. Morse*

Mr. Morse provided Members with an oral report regarding the items considered at the External Affairs Committee meeting on September 20, 2004. (A copy of the report was distributed). In addition, Mr. Morse asked Ms. Lyn Harris, Governmental Liaison, MDT, to update Members on federal legislative transit issues. Ms. Harris provided Members with the Miami-Dade Transit Legislative Update Report. (A copy of the report was distributed.)

Lastly, Mr. Morse discussed his concerns about the Municipal Compliance Action Plan. The People's Transportation Plan Ordinance required that a municipality's share of surtax proceeds be used only to supplement, not replace, its general fund support for transportation projects at the time the surtax was approved. However, several municipalities have a zero baseline of general fund support for transportation because they had been using special funds, traffic citation revenues, etc., for transportations projects rather than the general fund. At the September 20, 2004, External Affairs

Committee meeting, Members discussed the possibility of recommending modifications to the PTP Ordinance. Mr. Bruce Libhaber, Assistant County Attorney stated that the Ordinance, as well as the Interlocal Agreements specifically requires a maintenance of effort of general revenue support, in addition to specific line items dedicated to transportation or transportation departments. Additionally, the Ordinance specifies that fiscal year 2001-2002 is the baseline year and some municipalities had unusually low or high levels of spending for transportation projects that year. Members agreed the External Affairs Committee should continue to review the issue.

*Compliance & Oversight Committee – Henry Lee Givens*

Mr. Givens reported that the committee did not meet in September 2004. However, he asked Mr. Libhaber to discuss Federal District Court Judge Adalberto Jordan's ruling regarding race, ethnicity and gender-conscious measures. Mr. Libhaber explained the ruling in *Hershall Gill Consulting Engineers, Inc. vs. Miami-Dade County*, noting that a copy of the federal ruling, along with Miami-Dade County Attorney Robert A. Ginsburg's memorandum had previously been distributed to all CITT Members. He noted that Community Business Enterprise (CBE) and Community Small Business Enterprise (CSBEs) programs are race, gender and ethnic neutral and therefore will not be impacted by the ruling. In addition, the Miami-Dade County Code requires vendors to disclose the ethnic, race and gender makeup of their ownership and Boards of Directors, and CITT Members may ask questions regarding the makeup of the Board of Directors. However, Mr. Libhaber stressed that race, gender or ethnicity may not be the basis for awarding or disapproving of contracts.

*Executive Director's Report – Nan A. Markowitz*

Ms. Markowitz reported on the following:

- She will make a presentation at the Department of Procurement Management on October 4, 2004, meeting of the Goods and Services Committee to discuss the Financial Consulting Services for the CITT RFP 427a. She stated that Members will be provided with a full report.
- Joint BCC/CITT meeting has been confirmed for October 12, 2004, at 10 a.m. in the Stephen P. Clark Center, 2<sup>nd</sup> Floor Conference Room.
- Current CITT vacancies for Commission Districts 4, 8 and 13. The CITT Nominating Committee will meet October 13, 2004, at 2 p.m. to select a slate for those existing vacancies.
- OCITT staff working with Miami-Dade Transit staff in preparation for the Two-Year PTP Anniversary.
- OCITT staff will be working on a CITT Meeting calendar for 2005

*County Attorney's Legal Interpretation – Bruce Libhaber*

Mr. Libhaber provided Members with a written legal opinion regarding the authority of the Citizens' Independent Transportation Trust (CITT). (A copy of the legal opinion was distributed.)

*Miami-Dade Transit Supplement Report – Mayra Bustamante*

Ms. Bustamante stated that at the July 28, 2004, full CITT meeting, several Members raised concerns regarding the Wackenhut contract, which did not specify the amount of surtax proceeds that would be charged. MDT developed a formula to capture the appropriate cost. Mr. Wilde stated that based on the legal opinion provided by Mr.

Libhaber, the CITT does not have the authority to disapprove the formula, although the CITT can reject a contract and issue a report to the Board of County Commissioners requesting the BCC to withhold monies as it relates to the formula. Mr. Wilde further stated that if the CITT had an auditor and it disagreed with the formula, the CITT does not have the authority to withhold surtax funds from being distributed to MDT for its expenses. Mr. Libhaber confirmed Mr. Wilde's interpretation.

## OLD BUSINESS

None

## ACTION ITEMS

- A. RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST RECOMMENDING THE BOARD OF COUNTY COMMISSIONERS (BCC) TO APPROVE THE **PUBLIC WORKS DEPARTMENT'S** ADJUSTMENT TO THE PEOPLE'S TRANSPORTATION PLAN (PTP) 2-YEAR PLAN REMOVING SCHOOL FLASHING SIGNALS FROM THE DISTRICT COMMISSION'S YEARLY ALLOCATION AND REASSIGNING IT WITHIN THE COUNTYWIDE NEIGHBORHOOD IMPROVEMENTS SECTION *(Forwarded with the favorable recommendation by Budget & Finance and Project Review Committee)*

Mr. Henry Lee Givens moved to approve item A. The item was seconded by Mr. Abrams and carried without dissent.

- B. RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST APPROVING THE MIAMI-DADE BOARD OF COUNTY COMMISSIONERS' (BCC) ACTION AUTHORIZING THE COUNTY MANAGER TO EXECUTE A CONTRACT BETWEEN THE WACKENHUT CORPORATION AND **MIAMI-DADE TRANSIT** FOR PROVISION OF SECURITY SERVICES WITH A TOTAL COMPENSATION CEILING NOT TO EXCEED \$89.5 MILLION *(Favorable Recommendation by PRC, Budget & Finance Committee. Forwarded without a recommendation by the Compliance & Oversight Committee.) No action taken by the full Trust on July 28, 2004.*

Mr. Abrams moved to approve item B. The motion was seconded by Mr. Givens and carried without dissent.

Mr. Morse thanked Mr. Roosevelt Bradley, MDT Director, and his staff for providing the dollar amount of surtax proceeds that are going to be utilized in the contract and requested that all contracts include those amounts as well.

- C. RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT) RECOGNIZING AND COMMENDING CHIEF HERMINIO LORENZO FOR HIS EXEMPLARY DEDICATION AND CONTRIBUTION TO PUBLIC SERVICE

Mr. Reeder moved to approve item C. The motion was seconded by Mr. Givens and carried without dissent

**D. RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT) RECOGNIZING AND COMMENDING HILDA M. FERNANDEZ FOR HER LEADERSHIP, GUIDANCE AND EXEMPLARY DEDICATION TO PUBLIC SERVICE**

Mr. Abrams moved to approve item D. The motion was seconded by Ms. Aguilar and carried without dissent.

**E. Amended CITT By-Laws**

Mr. Bouniconti requested approval of the amended CITT By-Laws. The motion was unanimously approved.

**F. Selection of CITT Chairperson**

**G. Selection of CITT Vice-Chairperson**

Ms. Markowitz announced there was one nomination for Chairperson:

- Marc Bouniconti

Two nominations for Vice-Chairperson:

- Luis Morse
- Miles Moss

Ms. Markowitz announced that Mr. Bouniconti was selected as the CITT Chairperson and Mr. Morse as the Vice-Chairperson.

**7. Citizens' Comments**

None

**8. NEW BUSINESS**

Mr. Givens moved to draft a resolution asking the Board of County Commissioners to donate its surplus equipment to many of the islands that were affected by recent Hurricanes. The motion was seconded by Ms. Aguilar and carried without dissent.

Mr. Givens congratulated Mr. Bouniconti for the event for the Miami Project to Cure Paralysis. Mr. Bouniconti stated that the event raised \$2.6 million for research and thanked the many corporate sponsors for their support.

**9. ADJOURNMENT**

The CITT meeting adjourned at 12:05 p.m.

**\*\*\*MINUTES ARE IN SUMMARY FORM\*\*\***

**FOR VERBATIM TRANSCRIPTIONS OF THIS MEETING PLEASE REQUEST COPIES OF THE TAPE FROM THE MIAMI-DADE OCITT AT 305-375-3481.**

